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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **OAKLAND DIVISION**

6 IN RE: SOCIAL MEDIA ADOLESCENT
7 ADDICTION/PERSONAL INJURY PRODUCTS
8 LIABILITY LITIGATION

9 THIS DOCUMENT RELATES TO:

10 ALL ACTIONS

11 MDL No. 3047

12 Case No. 4:22-md-03047-YGR

13 Honorable Yvonne Gonzalez Rogers

14 **[PROPOSED] ORDER GRANTING**
15 **MOTION TO CERTIFY ORDER FOR**
16 **INTERLOCUTORY APPEAL UNDER 28**
17 **U.S.C. § 1292(b)**

18 This matter having come before the Court upon motion by Defendants to certify for immediate
19 appeal pursuant to 28 U.S.C. § 1292(b) this Court's November 14, 2023 Order Granting in Part and
20 Denying in Part Defendants' Motions to Dismiss, Dkt. 430 (the "Order"); the Court having reviewed
21 the motion, opposition, and related papers; due and proper notice having been provided; after due
22 deliberation, the Court finds that Defendants' motion should be **GRANTED**.

23 The Court hereby **AMENDS** the Order to include a certification that the Order involves
24 controlling questions of law as to which there are substantial grounds for difference of opinion and
25 that an immediate appeal from the Order may materially advance the ultimate termination of the
26 litigation. *See Reese v. BP Expl. (Alaska) Inc.*, 643 F.3d 681, 687–88 (9th Cir. 2011) (setting out
27 standards for Section 1292(b) certification). The questions are:

- 28 1. Whether Section 230 of the Communications Decency Act, 47 U.S.C. § 230, or the First
29 Amendment bar claims for failure to warn of an alleged design defect where claims
30 targeting the same underlying alleged defective design are barred.
31 2. Whether the First Amendment bars claims that Defendants' services are defective because
32 they lack "robust age verification" and "effective parental controls."
33 3. Whether Defendants' services (or certain features of their services) constitute "products"
34 for purposes of product liability law.

1 **IT IS SO ORDERED.**
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Hon. Yvonne Gonzalez Rogers
United States District Judge